UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 OCT 29 AM 10:01
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	) Magistrate Docket No. 07 MJ 2531
v.	) COMPLAINT FOR VIOLATION OF:
Edgar Reynolpho REYES-Rodas,	) Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	)

The undersigned complainant, being duly sworn, states:

On or about **October 19, 2007** within the Southern District of California, defendant, **Edgar Reynolpho REYES-Rodas,** an alien, who previously had been excluded, deported and removed from the United States to **Guatemala**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~22nd~~ 29th **DAY OF OCTOBER, 2007**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Edgar Reynolpho REYES-Rodas

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On October 19, 2007, at approximately 10:03 p.m., Border Patrol Agent L. Campanella met with Officer C. Tews of the San Diego Police Department (Badge #5833) at the El Cajon Border Patrol station, in El Cajon, California. Officer Tews had the defendant **Edgar Reynolpho REYES-Rodas** in custody. Officer Tews encountered the defendant loitering on the southwest corner of 47th/Polk Avenue. The defendant made false statements to his identity and after further investigation Officer Tews determined the defendant had an active immigration warrant for being a deported criminal / aggravated felon. Officer Tews confirmed this immigration warrant with Special Agent Ruth Sanders of the Immigration and Customs Enforcement Office.

Agent Campanella identified himself as a United States Border Patrol Agent and questioned the defendant as to his citizenship. The defendant stated he was a citizen and national of Guatemala illegally present in the United States.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Guatemala** on **June 11, 1999** through **Oklahoma City, Oklahoma.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on October 20, 2007 at 9:30 A.M

[signature]
Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 19, 2007** in violation of Title 8, United States Code, Section 1326.

[signature]
Barbara L. Major
United States Magistrate Judge

10/20/07 at 10:04am
Date/Time